

REMARKS

In ¶ 2 of the office action, claims 30-36 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response to this ground for rejection, claim 30 has been amended to clarify that the host computer is programmed to perform a step of monitoring an application program to be executed by the operating system but not yet copied from the hard disk to the system memory. The Applicant submits that the amendment to claim 30 overcomes the indefiniteness rejection.

In ¶ 3 of the action, claims 1, 4, 8, 9, 12, 13, 30-32, 35 and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,269,379 to Hiyama *et al.* in view of U.S. Patent No. 6,694,434 to McGee *et al.* The Applicant traverses this ground for rejection because a *prima facie* case of obviousness has not been made.

To establish a *prima facie* case of obviousness, three basic criteria must be met, as set forth at MPEP 706.02(j). First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the combined prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based

on applicant's disclosure. Applicants apply these criteria below to show that the Examiner has failed to establish a *prima facie* case of obviousness. Thus, the rejection based on Hiyama and McGee should be withdrawn.

In the first place, neither Hiyama nor McGee teaches, as recited in Applicant's claim 1, means for detecting a file having an attribute of a computer virus before that file is installed on a hard disk. Close scrutiny of the grounds for rejection set forth in ¶ 3 of the action reveals that this limitation of claim 1 is nowhere mentioned.

Furthermore, independent claims 1 and 30 each recite that the host computer is programmed to decrypt the encrypted data in the registry and then search that decrypted data for an entry matching an identifier received from the operating system identifying a starting process of an application program to be executed by the operating system. The McGee patent does not disclose this step, but rather discloses that the computing unit "generates a hash value of a requesting application and evaluates whether the generated hash value matches the centralized registration list". There is no disclosure that the entries in the centralized registration list are decrypted.

Accordingly, the rejection of claims 1 and 30 based on Hiyama in view of McGee does not satisfy the requirement that the cited prior art disclose all of the limitations of the rejected claim.

Secondly, a *prima facie* case of obviousness has not been shown because there is no motivation or suggestion to import the teachings of McGee into the image filing system of Hiyama, let alone into an ultrasound imaging system. The Examiner cites to a passage in Hiyama (see column 8, lines 66 and 67) that teaches the use of a password to prevent unauthorized copying of any file during running of the operating system 82, thereby preventing the "invasion of [a] computer virus into a running application or other program". Since Hiyama has already solved the problem of preventing infection of his image filing system with a computer virus, there would be no need to incorporate the registration system of McGee to solve the same problem. Accordingly, it is believed that neither independent claim 1 nor independent claim 30 is obvious over Hiyama in view of McGee.

The obviousness rejections set forth in ¶¶ 4-6 of the action are all based on Hiyama and McGee as applied to claim 1 and/or 30 in combination with a third reference (Yamamoto, Kisor or Hile). These rejections suffer from the same infirmities as those noted above vis-à-vis the Hiyama/McGee combination. Accordingly, it is believed that claims 2, 3, 5, 10, 11, 33 and 34 are patentable at least for the same reasons that claims 1 and 30, on which they depend, are patentable.

In view of the foregoing, the Applicant submits that this application is now in condition for allowance.




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Reconsideration of the application and allowance of claims 1-5, 8-13, and 30-36 are hereby requested.

Respectfully submitted,

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Date


Dennis M. Flaherty
Reg. No. 31,159
Ostrager Chong Flaherty &
Broitman P.C.
250 Park Avenue, Suite 825
New York, NY 10177-0899
Tel. No.: 212-681-0600

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April 4, 2005


Dennis M. Flaherty